

Message Text

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71

ORIGIN EB-11

INFO OCT-01 EUR-25 ADP-00 CAB-09 CIAE-00 COME-00 DODE-00

INR-09 NSAE-00 RSC-01 FAA-00 L-03 IO-12 SS-14 NSC-10

/095 R

DRAFTED BY EB/ AN: MHSTYLES: DAP

3/13/73 EXT. 21232

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R 132319 Z MAR 73

FM SECSTATE WASHDC

TO AMEMBASSY BONN

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E. O. 11652: N/A

TAGS: ETRN, GW, XT

SUBJECT: CIVAIR - US/ FRG CHARTER UNDERSTANDING

REF: BONN 3663

1. TEXT OF DRAFT US/ FRG CHARTER UNDERSTANDING BEING SENT
SEPTEL. EMBASSY SHOULD SUBMIT THIS TEXT TO FMT ASAP, DRAW-
ING ON FOLLOWING AS APPROPRIATE:

A. DRAFT IS IDENTICAL IN SUBSTANCE TO UNDERSTANDINGS
INITIALED WITH UK, FRANCE AND NETHERLANDS AND, WE UNDER-
STAND, ACCEPTED BY ECAC. TEXT IS BASICALLY THAT OF FRENCH
UNDERSTANDING WITH SOME TECHNICAL IMPROVEMENTS TAKEN FROM
UK UNDERSTANDING.

B. WHOLE PURPOSE OF CONCEPT THAT RULE OF COUNTRY OF
ORIGIN BE FOLLOWED IS TO AVOID DIFFICULT AND PERHAPS IMPO-
SIBLE TASK OF REDUCING DIFFERENCES BETWEEN ABC AND TGC RULE.
REALISTICALLY, IN VIEW SHORT TIME FRAME, THERE WOULD BE NO
ABC/ TGC CHARTERS THIS SUMMER IF ATTEMPT WERE MADE TO REDUCE
DIFFERENCES. IN ANY EVENT, SINCE TGC RULE ESTABLISHED BY

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CAB RULE- MAKING PROCEEDING, IT WOULD NOT BE POSSIBLE FOR CAB MAKE CHANGES IN TGC RULE FOR UPCOMING SEASON.

C. FMT REFERENCES TO LEGAL DIFFICULTIES IN ACCEPTING UNDERSTANDING ARE, WE SUSPECT, SMOKESCREEN. OTHER COUNTRIES HAVE FOUND WAY AROUND ANY SUCH PROBLEM, AND WE EXPECT FRG COULD ALSO IF IT WANTED TO. WE ASSUME FMT APPRECIATES THAT, WITHOUT AN INTERGOVERNMENTAL UNDERSTANDING, CAB HAS

NO LEGAL BASIS ON WHICH TO ACCEPT CHARTERS UNDER A FOREIGN ABC RULE, WHICH DIFFERS ON FUNDAMENTAL LEGAL QUESTION OF PRO-RATING AS WELL AS IN OTHER WAYS.

D. FORM OF UNDERSTANDING IS NOT IMPORTANT, ALTHOUGH NORMALLY WE WOULD EXPECT IT TO BE CONFIRMED BY EXCHANGE DIPLOMATIC NOTES. IT MUST, HOWEVER, BE VIEWED AS COMMITTING THE RESPECTIVE PARTIES.

E. RE POSSIBLE FMT RESENTMENT OVER NOT BEING APPROACHED EARLIER, WE NOTE THAT NOT ONLY IT WAS PRIVY TO RECENT ECAC DISCUSSION THIS MATTER BUT ALSO WE ARE ALMOST CERTAIN WAS KEPT ADVISED BY BRITISH, FRENCH AND DUTCH COLLEGUES OF DISCUSSIONS WITH USDEL IN FEBRUARY. WE FOUND, FOR INSTANCE, THAT BRITISH WERE AWARE OF TEXTS OUR DRAFTS NEGOTIATED WITH FRENCH, AND VICE VERSA, ALMOST AS SOON AS DRAFTS WERE COMPLETED. ROGERS

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*** Current Handling Restrictions *** n/a

*** Current Classification *** LIMITED OFFICIAL USE

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